

REMARKS

In the aforesaid Office Action, claims 1-5, 9, 17, 21, 23-33, 35, 37-40 and 42-46 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Estrada et al. (U.S. Patent No. 6,193,686), and were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Happ et al. (U.S. Patent No. 6,575,958), and claims 1-5, 9, 23-33, 35, 37-39 and 42-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Verbeek (U.S. Patent No. 5,690,613) in view of Rau et al. (U.S. Patent No. 6,024,722) and in view of Samuelson et al. (U.S. Patent No. 6,165,166). Applicants note with appreciation the indication that claims 18 and 19 would be allowable if rewritten in independent form including all limitations of the base and intervening claims. Claims 1-5, 9, 19, 21, 23-33, 35, and 42-46 are pending (claims 17, 18 and 37-40 being cancelled by this amendment).

Applicants have amended claim 1 to include the limitations of allowable claim 18, and also to delete the requirement that the reinforcing member is defining along the entire length of the polymeric tubular reinforcing member an inner-most surface of the shaft extending along and defining the circumferential perimeter of the inflation lumen from the proximal to the distal end of the polymeric tubular reinforcing member. Therefore, Applicants submit that the rejection of claim 1 is overcome.

In the Response to Arguments section of the Office Action, the Examiner states that, interpreting Applicant's invention as described by Applicant's arguments (wherein the mandrel can extend along an inner surface of the polymeric reinforcing member and

the polymeric reinforcing member will still have an inner most surface of the shaft), the mandrel or hypotube can extend along an inner surface of the polymeric reinforcing member and (the reinforcing member) still has an inner most surface of the shaft.

Applicants have amended claims 30 and 43 in part to set forth that the polymeric reinforcing tube has a tubular inner surface defining along the entire length of the polymeric reinforcing tube an outer periphery of the inflation lumen around the entire circumference of the inflation lumen. Thus, a mandrel can extend along the inner surface of the reinforcing tube and the reinforcing tube nonetheless still have a tubular inner surface defining, along the entire length of the polymeric reinforcing tube, an outer periphery of the inflation lumen around the entire circumference of the inflation lumen, as required by claims 30 and 43 (see one embodiment illustrated in Applicant's embodiment of Fig. 3 (the "outer periphery" of the inflation lumen 20 in the embodiment of Fig. 3 being the inner surface of reinforcing tube 32)). In contrast, a reinforcing tube on a hypotube, such that a portion of the inner surface of the reinforcing tube is secured to and covered by the hypotube, does not have a tubular inner surface defining, along the entire length of the polymeric reinforcing tube, an outer periphery of the inflation lumen around the entire circumference of the inflation lumen, as required by claims 30 and 43.

In Estrada et al. and Happ et al., a hypotube extends within a proximal end section of the reinforcing tube in the embodiments of Fig. 1, and therefore, the reinforcing tube does not have a tubular inner surface defining along the entire length of the polymeric reinforcing tube an outer periphery of the inflation lumen around the entire circumference of the inflation lumen, as required by claims 30 and 43.

In Verbeek in view of Rau et al. and in view of Samuelson et al., the tubular reinforcing members 13/17 are on an outer surface of the proximal tubular member 50, and therefore do not have a tubular inner surface defining along the entire length of the polymeric reinforcing tube an outer periphery of the inflation lumen around the entire circumference of the inflation lumen, as required by claims 30 and 43. Moreover, although the tubular reinforcing members 13/17 of Verbeek are within distal shaft 80, the distal shaft 80 does not have a portion which is both proximal to the reinforcing members 13/17 and which defines an outer periphery of the inflation lumen, as required by claim 43. Additionally, claim 43 requires that the reinforcing tubular member extends across the guidewire proximal port. In contrast, in Verbeek the tubular reinforcing members 13/17 are located distal to the guidewire proximal port 95.

Moreover, regarding Verbeek in view of Rau and Samuelson, Samuelson et al. does not disclose or suggest that the inner layer has a higher glass transition temperature than the outer layer. Rather, Samuelson et al. explicitly discloses that the inner layer has the lowest glass transition temperature. In contrast, the embodiment set forth in Applicant's claim 43 calls for a reinforcing member within a portion of the proximal tubular member having a higher glass transition temperature than the proximal tubular member (i.e., the inner layer has the higher glass transition temperature).

Regarding claim 46, although Samuelson discloses using different polymers with different glass transition temperatures, Samuelson discloses that the layers of the multilayered tube are preferably comprised of materials with glass transition temperatures that are substantially similar so as to facilitate coextrusion and to help reduce the

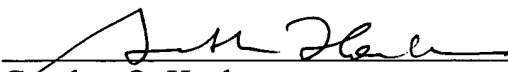
tendency of undue stress to build between the layers in the resultant tubing. In contrast, claim 46 sets forth glass transition temperatures of the first and second polymeric materials (with a substantial difference therebetween such that the glass transition temperature of the first material is not substantially similar to the glass transition temperature of the second material).

Applicants wish to bring to the attention of the Patent Office the references listed on the attached PTO-1449, and request that they be considered by the Examiner. This Information Disclosure Statement is being submitted pursuant to 37 CFR 1.97(c)(2), and therefore the fee set forth in 1.17(p) is due.

In light of the above amendments and remarks, applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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